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APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,049	10/07/2003		Jerome C. Bressi	SYR-HDAC-5002-U . 5114	
32793	7590	08/21/2006		EXAMINER	
TAKEDA SAN DIEGO, INC. 10410 SCIENCE CENTER DRIVE SAN DIEGO, CA 92121			DAVIS, BRIAN J		
			ART UNIT	PAPER NUMBER	
				1621	
				DATE MAILED: 08/21/2006	6

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/681,049	BRESSI ET AL.			
		Examiner	Art Unit			
		Brian J. Davis	1621			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on <u>09 August 2006</u> .					
′=	This action is FINAL . 2b) ☐ This action is non-final.					
3)[_]	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	03 U.G. 213.			
Dispositi	ion of Claims					
4)⊠	∑ Claim(s) <u>2-16,18,19,21-37,39-92 and 94-124</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
•	Claim(s) <u>100,107-119 and 122-124</u> is/are allow					
-	Claim(s) <u>41,60,79,101 and 104</u> is/are rejected.		0			
•	Claim(s) 2-16,18,19,21-37,39,40,42-59,61-78,8		U and 121 is/are objected to.			
8) Claim(s) are subject to restriction and/or election requirement.						
Applicati	on Papers					
9)□	The specification is objected to by the Examine	r.				
10)⊠ The drawing(s) filed on <u>07 October 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
	Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority (ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
 Certified copies of the priority documents have been received. 						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachmen	• •	_				
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da				
3) 🔯 Infor	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date 7/24/06.		Patent Application (PTO-152)			

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DETAILED ACTION

112 Rejections Withdrawn

The rejection of claims 11, 13, 21, 32, 34, 51, 53, 70, 72, 80, 91 and 93 under 35 USC 112, second paragraph, outlined in the previous Office Action, has been overcome by applicant's amendment. The amendment cancels claim 93. With respect to the remaining claims, the amendment clarifies the claim text as appropriate.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41, 60, 79, 101 and 104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not support applicant's latest amendment to the above claims. The definitions of R^{1-4} in the specification (page 18 and 19) do not teach the oxoalkyl moieties $-C(O)+C_{1-3}$ alkyl. Applicant's amendment constitutes new matter.

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Allowability Withdrawn

In the interest of maintaining a clear record, the allowability of all claims listed in the previous Office Action as allowable is withdrawn. A new formulation of the allowable claims appears below.

Allowable Subject Matter

Claims 100, 107-119 and 122-124 allowed. Claims 2-16, 18, 19, 21-37, 39, 40, 42-59, 61-78, 80-92, 94-99, 102, 103, 105, 106, 120 and 121 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BRIAN DAVIS PRIMARY EXAMINER

Brian J. Davis August 16, 2006